

ENVIRONMENTAL HEALTH ENFORCEMENT PROCEDURE

I. Goal

The goal of environmental health enforcement is to bring about the correction of health and safety violations in a professional, courteous manner, by consistently applying enforcement methods that are appropriate for the violation. These procedures are written to assure consistent enforcement based on a determination of public health significance.

However, it is understood that circumstances beyond the violator's control may make it impossible to follow enforcement timelines. In those cases where the violator is making a good-faith effort to comply, timelines will be extended to accommodate the circumstances of the situation, PROVIDED, measures are taken to mitigate any immediate health hazard association with the violation.

II. Priority of Violations

- A. Priority One: Any violation resulting in a reported case of illness or injury resulting from environmental health factors, including but not limited to sewage, vectors, food, water contact facilities, and safety hazards.
- B. Priority Two: Any gross environmental violation or safety hazard with a high potential for resulting in illnesses or injuries.

Such violations would generally include specific, first-hand reports of the following:

- ☞ Inadequately covered cess pools in populated areas
- ☞ Sewage discharging or draining into surface water
- ☞ Surfacing sewage within 10 feet of surface water
- ☞ Food establishments using improper food handling practices that are time-temperature related or considered "critical items" by the state DOH

- C. Priority Three: Environmental violations or safety hazards with a moderate to low potential for resulting in illnesses or injuries, but without the imminence or degree of hazard found in Priority Two violations.

Such violations would generally include:

- ☞ Effluent seeping onto the ground surface but not entering surface water or groundwater
- ☞ Food establishments using improper food handling practices that are not considered "critical items" by the state DOH
- ☞ Water contact facilities being operated without use of disinfection
- ☞ Cess pools and other unacceptable septic system installations
- ☞ Septic systems with intermittently surfacing sewage
- ☞ Nuisance violations
- ☞ Garbage violations

IV. Enforcement Actions

A. Priority One Violations

- 1. Staff is directed to place correction of health hazards resulting in reported illness as their highest priority, at the exclusion of other duties and appointments if necessary.

2. An investigation must be conducted by staff specialists immediately to determine the validity of the report, even if this means working outside their normal working hours or exceeding their 40-hour standard work week. Staff will not enter the premises if it is posted against trespassing or if entrance has been specifically forbidden by the property owner. In such cases, staff should first seek permission from the property owner, and if refused, request the county prosecutor for assistance in obtaining an administrative search warrant.
3. Hazardous condition must be corrected immediately or the facility closed by order of the Health Officer.
4. Factors leading the hazardous condition must be corrected before the closure order is lifted.
5. Staff specialists will issue a Notice and Order within 1 working day of verification of the violation.
6. Staff will require a written plan of action from the responsible party, outlining corrective action to be taken to prevent future problems. The plan must be submitted within 1 week of the date of the Notice and Order.
7. Staff specialists will monitor compliance to assure factors leading to the hazardous condition are corrected within 2 weeks of the date of the Notice and Order.
8. Violations will be referred to the prosecutor if not corrected in the manner specified in the Notice and Order or if the Health Officer closure order is violated.

B. Priority Two Violations

1. Staff is directed to investigate Priority Two violations within three working days, rearranging scheduled appointments as much as reasonably feasible.
2. Staff specialists will inspect the site to verify the violation and verbally order the violation to immediately cease and desist. Staff will not enter the premises if it is posted against trespassing or if entrance has been specifically forbidden by the property owner. In such cases, staff should first seek permission from the property owner, and if refused, request the county prosecutor for assistance in obtaining an administrative search warrant.
3. Staff specialists will send out an initial contact letter within 2 working days following confirmation of the violation. The initial letter will advise the violator of the violation and of the need to contact the department within seven (7) working days to develop a "plan of action" acceptable to the department for correcting the violation. The letter will warn the violator the enforcement action will be undertaken if the violation is not corrected voluntarily and within the time period specified.
4. Staff specialists will follow-up with a written Notice and Order, if the violator fails to comply with the timelines specified in the plan of action. Staff will send the Notice and Order within 7 working days of any missed action. The Notice and Order will contain the following information:
 - a. The regulations being violated and describe the specific violation observed.
 - b. An order to correct the violations in a specific manner and within a specific time. Typically the order will require the responsible party to:

- i. Submit a written plan of action
 - ii. Stop all discharges within 2 working days
 - iii. Submit any appropriate designs or permits
 - iv. Complete all necessary steps to correct the violation and prevent its recurrence
 - c. The responsible party is warned that legal remedies will be pursued if the order is not followed.
 - d. The responsible party is informed of the procedure to follow to appeal the Notice and Order.
5. Staff specialists will send a final warning letter stating the property will be vacated if the violator fails to comply with the written Notice and Order. The final warning letter will indicate all repairs/corrections must be completed within seven days or the residence will be vacated.
 6. Staff will post a Notice to Vacate only after the violator has refused to comply with all written requests to correct the violation. Prior to posting the residence, staff will prepare and submit to the Prosecutor, Director, Health Officer and Board of Health the following information:
 - a. A cover letter listing specific violations and regulations being violated.
 - b. Copies of the complaint, initial contact letter, Notice and Order, and final warning letter
 - c. A chronological report outlining all staff contacts and observations
 - d. Copies of any photographs, lab results or other data pertinent to the case
 7. Staff will refer to case to the Prosecutor for follow-up action if the violator refuses to vacate the residence.

C. Priority Three Violations

1. Staff is directed to investigate Priority Three violations as soon as possible without interfering with previously scheduled activities and events. These violations should be investigated within fourteen working days of receipt of the complaint.
2. Staff specialists inspecting the site will verify the violations and verbally order the violation to be corrected in as short a time as reasonably possible. Staff will not enter the premises if it is posted against trespassing or if entrance has been specifically forbidden by the property owner. In such cases, staff should first seek permission from the property owner, and if refused, request the county prosecutor for assistance in obtaining an administrative search warrant.
3. Notification and enforcement will follow the procedures outlined for Priority Two Violations above. Time lines for completing the prescribe actions are to be extended (see table for guidance) however, in no case should the violation be allowed to continue for greater than 6 months.

Enforcement Summary Table

Compliance Action	Priority Level		
	One	Two	Three
1. Degree of Public Health Hazard	Extreme	High	Moderate to Low
2. Give investigation primacy	Yes	No	No
3. Investigate after normal hours if necessary	Yes	No	No
4. Attempt to re-arrange schedule to accommodate early investigation	Yes	Yes	No
5. Length of time before first inspection	0 Days ¹	3 Day ¹	2 Weeks ¹
6. Length of time before initial letter	N/A	2 Days ¹	2 Weeks ¹
7. Length of time before plan of action must be submitted	N/A	1 Week ²	1 Month ²
8. Length of time before issuance of Notice and Order	0 Day ¹	1 Week ³	1 Month ³
9. Length of time before closure if violation not corrected	N/A	1 Week ⁴	1 Month ⁴
10. Length of time before violation must be completely resolved	N/A	1 Month ⁴	6 Months ⁴
11. Length of time before follow-up inspection to verify correction	Periodic	1 Week ⁵	2 Weeks ⁵

Footnotes: ¹ From the date the health department observed or received notification of the violation

² From the date of advisory letter

³ From the date of the missed action

⁴ From the date of the Notice and Order

⁵ After correction of the violation

Note: It is understood that circumstances beyond the violator's control may make it impossible to follow enforcement timelines. In those cases where the violator is making a good-faith effort to comply, timelines will be extended to accommodate the circumstances of the situation, PROVIDED, measures are taken to mitigate any immediate health hazard association with the violation.